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OLC 74-2629

27 December 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with James Kronfeld, Staff Counsel, House
Government Operations Subcommittee on Foreign Operations
and Government Information

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1. By way of follow up to his conversations with [redacted] in which he expressed Chairman Moorhead's concern about the recent New York Times article alleging that the Agency had maintained files on 10,000 American citizens, I called Kronfeld this morning. I said I wanted to assure him that in his conversation with him and other members of the Subcommittee staff, [redacted] had spoken in complete candor and without any intent to in any way mislead him regarding the nature of the Agency's files. Kronfeld quickly responded that he was sure this was the case and he had no quarrel with [redacted] on this score. He said Chairman Moorhead is concerned, however, regarding the Seymour Hersh allegation and the staff is under instructions to submit a report to the Chairman today on the subject.

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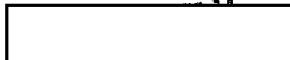
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2. I told Kronfeld the allegations in Hersh's New York Times article to the effect that the Agency had engaged in a massive domestic spying program was absolutely false. I added, however, that we were not 100% pure in this area and as he knew the Director has submitted a report to the President on this subject. I went on to say that until the President has responded to the Director's report we are in an awkward position to discuss the details of this matter elsewhere. Kronfeld said that Moorhead did not want this information for purposes of publication but wanted it for his own information in view of the fact that he and Representative Erlenborn had extended themselves considerably in supporting the Agency's request for a full exemption from the Right of Privacy legislation. Kronfeld said they were aware that the Agency had personnel files

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and "business contact" files on Americans but had no idea that we had anything as extensive as alleged in the Hersh article. I mentioned the [redacted] files and he said that was what he meant by "business contact" files. I said we did not feel we could go into this any further until we had gotten the President's reaction to the Director's report. I said we were hopeful the President would make a statement or release portions of the report today. Kronfeld said he was not sure that Chairman Moorhead would be satisfied with the public statement and since the Congress had acted on the Right of Privacy exemption on the basis of assurances from Moorhead and Representative Erlenborn, he is most anxious to get some detailed information.

3. I told Kronfeld that we very much appreciated the efforts of Chairman Moorhead and Mr. Erlenborn on our behalf and wanted to cooperate in every way possible. I said I would check further on this and be back in touch with him.

4. After consulting with the Director, I called Kronfeld and said that under the circumstances the Director felt he should talk with Chairman Moorhead directly and I asked Kronfeld if he knew how we could get in touch with him. He called me later and passed on Moorhead's telephone number at his home in Virginia and the Director gave Moorhead a call. In this conversation, Moorhead also acknowledged the understanding of our personnel and "business contact" files but had no recollection of files maintained on American citizens in connection with our foreign intelligence functions. The Director asked me to check Moorhead's floor statement and if this category of files was not mentioned, he thought we ought to talk to Moorhead about it. The Director told Moorhead that the Hersh article was a gross exaggeration and said that when Moorhead returns to Washington he will be glad to come up and talk with him further about it. Moorhead commented to the Director he had the same problem with the Secret Service which had talked with him about their files and he now finds the Secret Service has many more files than was first indicated to him.



GEORGE L. CARY
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